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**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re: General Motors Corp., et al  
Debtors.

Chapter 11  
Case No. 09-50026-reg  
Hon.: Robert E. Gerber  
(Jointly Administered)

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**OBJECTION OF APPLIED MANUFACTURING TECHNOLOGIES TO THE  
NOTICE OF (I) DEBTORS' INTENT TO ASSUME AND ASSIGN CERTAIN  
EXECUTORY CONTRACTS, UNEXPIRED LEASES OF PERSONAL PROPERTY,  
AND UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY  
AND (II) CURE AMOUNTS RELATED THERETO**

Applied Manufacturing Technologies, by and through its attorneys Kotz, Sangster, Wysocki and Berg, P.C., hereby objects to the Notice of (I) Debtors' Intent to Assume and Assign Certain Executory Contracts, Unexpired Leases of Personal Property, and Unexpired Leases of Nonresidential Real Property And (II) Cure Amounts Related Thereto, ("Notice") and in support thereof states as follows:

1. Debtors contracted with Applied Manufacturing Technologies ("AMT") to provide certain goods and services to Debtors ("Contract").
2. On June 5, 2009, Debtors served the Notice upon AMT.
3. Debtors seek to assume certain AMT contracts and propose \$109,950.45 to cure the prepetition deficiency ("Cure Amount").

4. The Cure Amount is incorrect.

5. Attached as **Exhibit A** is a schedule that demonstrates that the amounts owing for prepetition goods and services is \$213,323.38.

6. In addition to the incorrect cure amount, the Debtors' proposed assumption and assignment of contracts is also objectionable for various legal reasons, including but not limited to the following:

- A. The Notice and Sale Procedure Order [Doc. No. 274] limits the proposed cure amount to the amount accrued pre-petition, and fails to address whether the Debtors or the Purchaser of assets will pay amounts becoming due after the petition date but prior to the effective date of the assignment.
- B. 11 USC 365(b)(1)(A) provides that the Debtors must "cure, or provide[] adequate assurance [of]...cure of such default," before assumption and assignment is allowed under law. Though the law compels Debtors to carry out this obligation, the Notice and Sale Procedure Order do not address how post-petition amounts will be paid.
- C. Failure to provide assurance of payment for defaults occurring after the petition date and prior to assignment is a failure of adequate assurance which would prevent legal assumption and assignment under 11 USC 365.
- D. Moreover, nothing in the Notice or the Sale Procedure Order assures that Debtors' Purchaser will perform Debtors' obligations under assumed contracts, and therefore Debtors' fail to meet the legal requirement that the assignee provide adequate assurance of future performance of the assumed contracts.

WHEREFORE, AMT respectfully objects to the Notice and requests that this Court order a revised notice; or order a cure paid in the corrected cure amount taking into account all contracts between Debtors and AMT, and providing adequate assurance that such contracts will be performed if assumed, and that post-petition defaults be cured.

Kotz, Sangster, Wysocki and Berg, P.C.

Dated: June 12, 2009

By: 

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# EXHIBIT A

## DETAIL HISTORICAL AGED TRIAL BALANCE

AMT, LLC

Inv #	Project #	Inv. Date	Due Date	Amount	0 - 30 Days	31 - 60 Days	61 - 90 Days	91 and Over
1371	G.M. Orion Assembly Plant							
55053	7744	3/13/2009	5/12/2009	\$1,497.50			\$1,497.50	
55453	7744	4/30/2009	6/29/2009	\$250.00		\$250.00		
55497	7744	5/8/2009	7/7/2009	\$300.00		\$300.00		
55657	7806	3/3/2009	8/2/2009	\$5,750.00	\$5,750.00			
				\$7,797.50	\$5,750.00	\$550.00	\$1,497.50	\$0.00
<b>Grand Totals:</b>				\$7,797.50	\$5,750.00	\$550.00	\$1,497.50	\$0.00

## DETAIL HISTORICAL AGED TRIAL BALANCE

AMT, LLC								
Inv #	Project #	Inv Date	Due Date	Amount	0 - 30 Days	31 - 60 Days	61 - 90 Days	91 and Over
<b>1213</b>	<b>G.M. Arizona</b>							
53758	7372	11/19/2008	1/18/2009	\$35,100.00				\$35,100.00
	PYMNT000000000891		1/7/2009					(\$31,590.00)
53872	7118	11/21/2008	1/20/2009	\$8,482.70				\$8,482.70
	PYMNT000000000944		1/26/2009					(\$8,253.20)
54568	7118	1/29/2009	3/30/2009	\$3,434.00				\$3,434.00
	PYMNT0000000001161		4/6/2009					(\$3,250.25)
55286	7593	4/9/2009	6/8/2009	\$1,200.00			\$1,200.00	
55287	7767	4/9/2009	6/8/2009	\$7,852.00			\$7,852.00	
	PYMNT0000000001316		5/26/2009				(\$7,068.00)	
55341	7723	4/21/2009	6/20/2009	\$33,430.00		\$33,430.00		
55485	7541	5/8/2009	7/7/2009	\$6,960.00		\$6,960.00		
55500	7767	5/12/2009	7/11/2009	\$5,967.52	\$5,967.52			
55503	7792	5/12/2009	7/11/2009	\$6,680.90	\$6,680.90			
55504	7793	5/12/2009	7/11/2009	\$9,062.50	\$9,062.50			
55506	7803	5/12/2009	7/11/2009	\$1,608.00	\$1,608.00			
55509	7832	5/12/2009	7/11/2009	\$22,746.00	\$22,746.00			
55511	7858	5/12/2009	7/11/2009	\$6,819.53	\$6,819.53			
55516	7742	5/12/2009	7/11/2009	\$7,344.00	\$7,344.00			
55554	70506	5/13/2009	7/12/2009	\$3,600.00	\$3,600.00			
55555	7793	5/21/2009	7/20/2009	\$7,832.00	\$7,832.00			
55700	7742	3/10/2009	8/9/2009	\$7,344.00	\$7,344.00			
55701	7767	3/10/2009	8/9/2009	\$4,711.20	\$4,711.20			
55702	7792	3/10/2009	8/9/2009	\$22,276.05	\$22,276.05			
55703	7803	3/10/2009	8/9/2009	\$2,904.00	\$2,904.00			
55704	7832	3/10/2009	8/9/2009	\$22,593.00	\$22,593.00			
55705	7858	3/10/2009	8/9/2009	\$10,345.55	\$10,345.55			
55706	7793	3/10/2009	8/9/2009	\$8,441.90	\$8,441.90			
55707	7793	3/10/2009	8/9/2009	\$374.10	\$374.10			
55708	7910	3/10/2009	8/9/2009	\$3,633.88	\$3,633.88			

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## DETAIL HISTORICAL AGED TRIAL BALANCE

## Receivables Management

Name:								
Inv #	Project #	Inv. Date	Due Date	Amount	0 - 30 Days	31 - 60 Days	61 - 90 Days	91 and C
				\$200,581.38	\$154,284.13	\$40,390.00	\$1,984.00	\$3,923.25
Grand Totals:				\$200,581.38	\$154,284.13	\$40,390.00	\$1,984.00	\$3,923.25

To be Invoiced + 4,944.50

GM-Orion + 7,797.50

TOTAL 213,323.38